

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

QUINCY ROGERS,

)

Plaintiff,

)

v.

)

ASHLAND INC.,

)

Defendant.

)

) Case No. _____

FILED

MARCH 5, 2008

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

PH

08 C 1325

JUDGE BUCKLO
MAGISTRATE JUDGE COX

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §§ 1441, 1446, and 1332, Defendant, ASHLAND INC. files this notice of removal, removing this action to the United States District Court for the Northern District of Illinois, Eastern Division. The basis for removal is complete diversity amongst the parties. In support, Ashland Inc. states as follows:

1. Ashland Inc. is a defendant in the civil action brought on January 23, 2008 in the Circuit Court of Cook County, Illinois. Pursuant to the provisions of Sections 1441 and 1446 of Title 28 of the United States Code, Ashland Inc. hereby removes this action to the United States District Court for the Northern District of Illinois, which is the judicial district in which the action is pending.

2. The grounds for removal of this case are:

a. On January 23, 2008, Plaintiff Quincy Rogers ("Plaintiff"), filed a complaint (the "Complaint") in the Circuit Court of Cook County, Illinois, Case No. 2008L000788.

b. There was complete diversity of citizenship between Plaintiff and Ashland Inc. in this action at the time Plaintiff filed the Complaint, and there continues to

be complete diversity of citizenship between Plaintiff and Ashland Inc. at the time this Notice of Removal is being filed. Specifically, at all relevant times:

(i) Plaintiff is/was an individual residing in Cook County, Illinois and is/was a citizen of Illinois.

(ii) Ashland Inc. is/was a corporation organized and incorporated under the laws of the Commonwealth of Kentucky, with its citizenship and principal place of business in Covington, Kentucky.

c. More than \$75,000.00, exclusive of interest and costs, is in controversy in this action.

Therefore, this Court would have had original subject matter jurisdiction of this action under the provisions of 28 U.S.C. § 1332, if the action had originally been brought in Federal Court. Removal is, therefore, proper under 28 U.S.C. § 1441(a).

3. Removal of this case on the basis of diversity of jurisdiction is not precluded by the provisions of 28 U.S.C. § 1441(b) because Ashland Inc. is not a citizen of the State of Illinois, the state in which this action was brought.

4. This action is not one described in 28 U.S.C. § 1445.

5. This Notice of Removal is timely under § 1446(b) of Title 28 of the United States Code because Ashland Inc. was served with a Waiver of Service of Summons on February 5, 2008 by mail. This Notice of Removal is filed within thirty (30) days of receipt of the Complaint and Summons.

6. All state court papers served on Ashland Inc. at the time of removal, consisting of a Summons and a Complaint, are attached as Exhibit 1.

7. Ashland Inc., in conformity with the requirements of 28 U.S.C. §§ 1441 and 1446, removes to this Court the case styled *Quincy Rogers v. Ashland Inc.*, Case No. 08 L 00788, from the Circuit Court of Cook County, Illinois. Ashland Inc. requests that the Court assume jurisdiction of this cause as if it had been originally filed here, and that further proceedings in the Case No. 08 L 0078 be stayed. Ashland Inc. requests such other and further relief to which it may be entitled and which this Court deems just and proper.

Respectfully submitted,

ASHLAND INC.

By: /s/ Victor J. Pioli

One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via first class U.S. mail this 5th day of March, 2008, upon:

Josh Friedman
120 South State Street, Suite 200
Chicago, IL 60603

/s/ Victor J. Pioli